

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Scott Phillip Flynn,

File No. 22-cv-1265 (ECT/LIB)

Plaintiff,

v.

**ORDER ACCEPTING REPORT
AND RECOMMENDATION**

B. Eischen, *FPC-Duluth Warden*,

Respondent.

Magistrate Judge Leo I. Brisbois issued a Report and Recommendation on October 26, 2022. ECF No. 16. Defendant filed a request to extend time to respond to the Report and Recommendation on November 7, 2022. ECF No. 17. That request was granted, and it was ordered that any objections to the Report and Recommendation shall be filed on or before December 27, 2022. ECF No. 18. No party has objected to that Report and Recommendation, and it is therefore reviewed for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS ORDERED THAT:**

1. The Report and Recommendation [ECF No. 16] is **ACCEPTED**; and
2. Plaintiff's Petition for Writ of Habeas Corpus [ECF No. 1] is **DENIED**; and
3. This case is **DISMISSED WITHOUT PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 25, 2023

s/ Eric C. Tostrud

Eric C. Tostrud

United States District Court